

REMARKS/ARGUMENTS

Claims 1, 5, 7, and 13-16 are amended. New claims 18, 19 and 20 have been added.

Claims 5 is rejected under 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-15 are rejected under 35 U.S. C. 102(b) as being anticipated by Rapaport et al, U.S. Patent No. 5,890,152.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Item 123 in figures 3b, 3c, and 3d.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "350" and "354" have both been used to designate a messenger applet (page 19, lines 2 and 17).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "354" has been used to designate both a messenger applet (page 19, line 2) and an ActiveX control (page 19, line 17).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Item 596, referred to on line 6 of page 23.

The abstract of the disclosure is objected to because lines 16, 18, 20 and 22 have grammatical errors.

The disclosure is objected to because of the following informalities: Line 29 on page 1 contains a grammatical error. Lines 14, 16, 18 on page 4, contain grammatical errors. The term “devices” is used incorrectly. Line 8 on page 5 contains a grammatical error. Line 19 on page 19 contains a grammatical error.

Claims 7, 14, and 15 are objected to because of the following informalities: The word “cached” is used incorrectly in claim 7. Examiner will assume the word “cached” was meant. Claim 14, line 2 contains a grammatical error. Claim 15, line 2 contains a grammatical error.

Claim 5 is rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation “the server” in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claims 1-15 are rejected under 35 USC 102(b) as being anticipated by Rapaport et al, US Patent No. 5,890,152.

As per claim 1, Rapaport et al. teaches a system that enables the recording of user-viewable stimuli comprising:

A processing platform for executing code capable of recording a user-viewable stimuli (see Rapaport et al., column 2, lines 34-40); user-viewable stimuli is inferred to be any data viewable by the user – textual or graphical); and

A storage platform for storing at least one user-viewed stimuli, the storage platform coupled to the processing platform (see Rapaport et al., column 2, lines 32-34).

Claim 16 was rejected under 35 USC 102(b) as being anticipated by Goetz et al., US Patent No. 5,928,330.

As per claim 16, Goetz et al. teaches a system that records browser-viewable visual stimuli comprising:

A control application;

A browser object in communication with the control application;

An application that receives messages coupled to the browser object and the control application; and

A web page coupled to the browser object (see Goetz et al., column 11, lines 10-26).

Various spelling and grammatical changes referenced above have been corrected. No new matter has been added.

Amended claim 1 claims, among other elements, verifying a change in the visual stimuli, and creating a visual event related to the change in the visual stimuli. Examiner states if there is a change in a progression through a file *by the user*, a parameter is changed. Amended claim 1, however, claims that if a change in information is provided *to the user*, a visual event is *created* that is related to the change and presented to the user. The change of the present invention is

dynamic but Rapaport discloses changes to a rate of progression through media files which are static (i.e. the progression is through a defined set or subset of files).

Examiner further states that Rapaport's visual event is equivalent to a user's progression through a media file segment. The present invention discloses a visual event that is related to a change in information. The visual event of the present invention is not equivalent to a user's progression through a media file segment.

Amended claim 13 and new claim 21 claim, among other elements, verifying a change in displayed visual stimuli; verifying a change in a user's eye position; creating a visual event related to the change in the visual stimuli; and to the change in the user's eye position; and correlating an eye position with displayed visual stimuli. The change in the eye position can be based on the change in the displayed visual stimuli. By contrast, Rapaport discloses detecting eye movement that is indicative of reading speed through media files, for example. The present invention correlates eye position with the visual stimuli, wherein the eye position is based on the change in the displayed visual stimuli.

For these reasons, Applicant believes currently amended independent claims 1 and 13, as well as new independent claim 21 are in condition for allowance and respectfully request they be passed to allowance.

Since the remaining currently amended, original, and new dependent claims dependent on currently amended independent claims 1 and 13, as well as new independent claim 21, which Applicant believes are in condition for allowance, Applicant believes the above mentioned

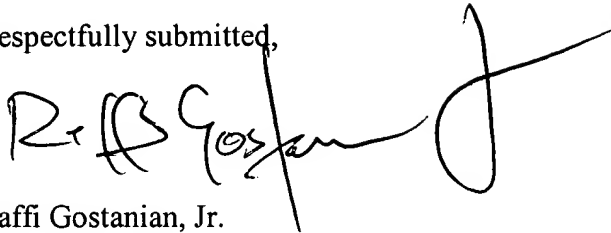
original and new dependent claims are in condition for allowance and respectfully request they be passed to allowance.

The cited prior art do not make obvious the present invention, either alone or with the other references of record. Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Examiner is invited to contact the undersigned by telephone if the Examiner believes that such a communication would advance the prosecution of the present patent application.

Appl. No. 09/812,405
Amdt. dated February 13, 2004
Reply to Office action of August 13, 2003

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Raffi Gostanian, Jr.", with a long horizontal flourish extending to the right.

Raffi Gostanian, Jr.
Registration No. 42,595

Please send all correspondences regarding this matter to:

Jackson Walker L.L.P.
2435 North Central Expressway, Suite 600
Richardson, Texas 75080
Att: Raffi Gostanian, Jr.
972.744.2940 (Office)
972.744.2909 (Fax)

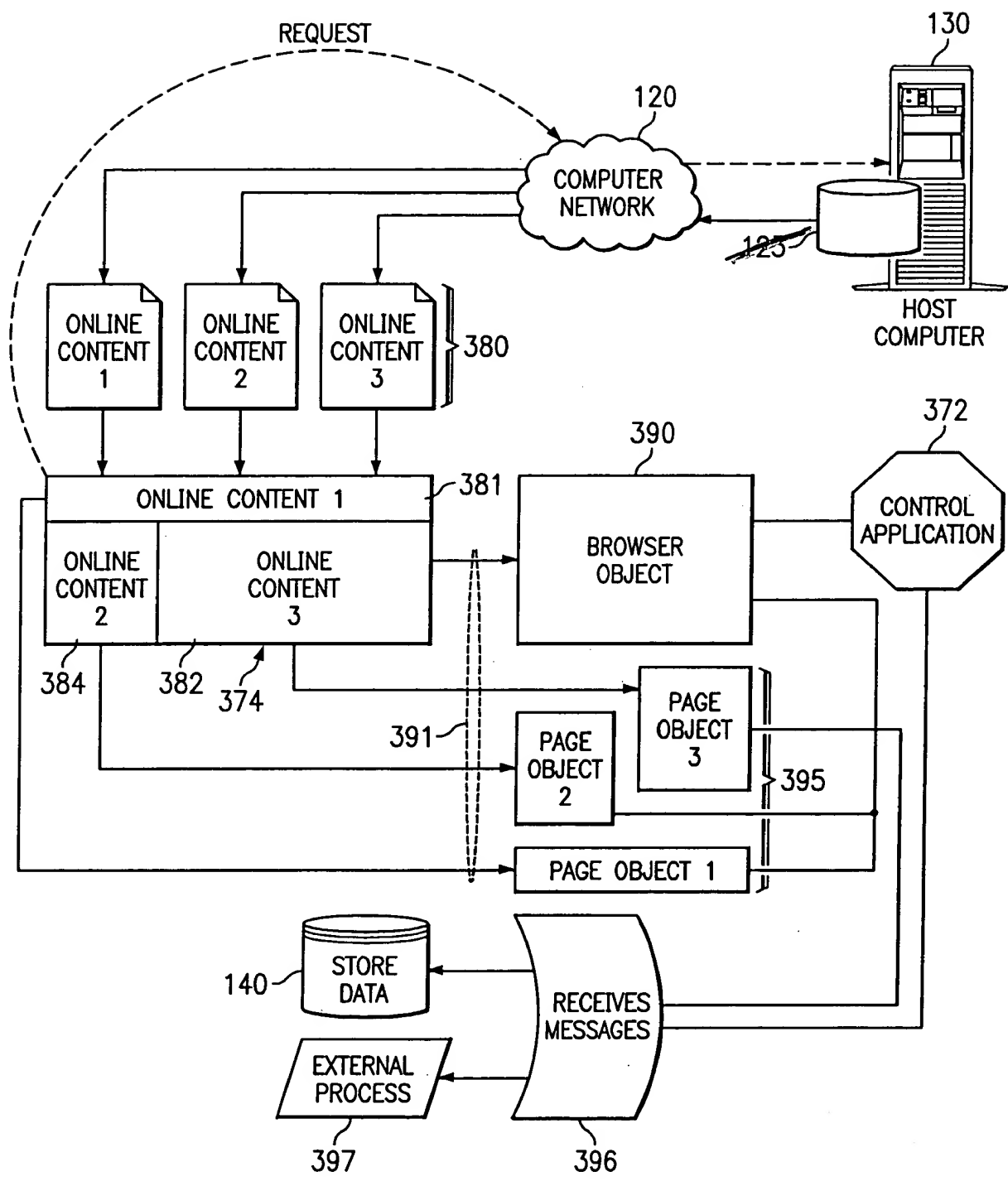


FIG. 3b

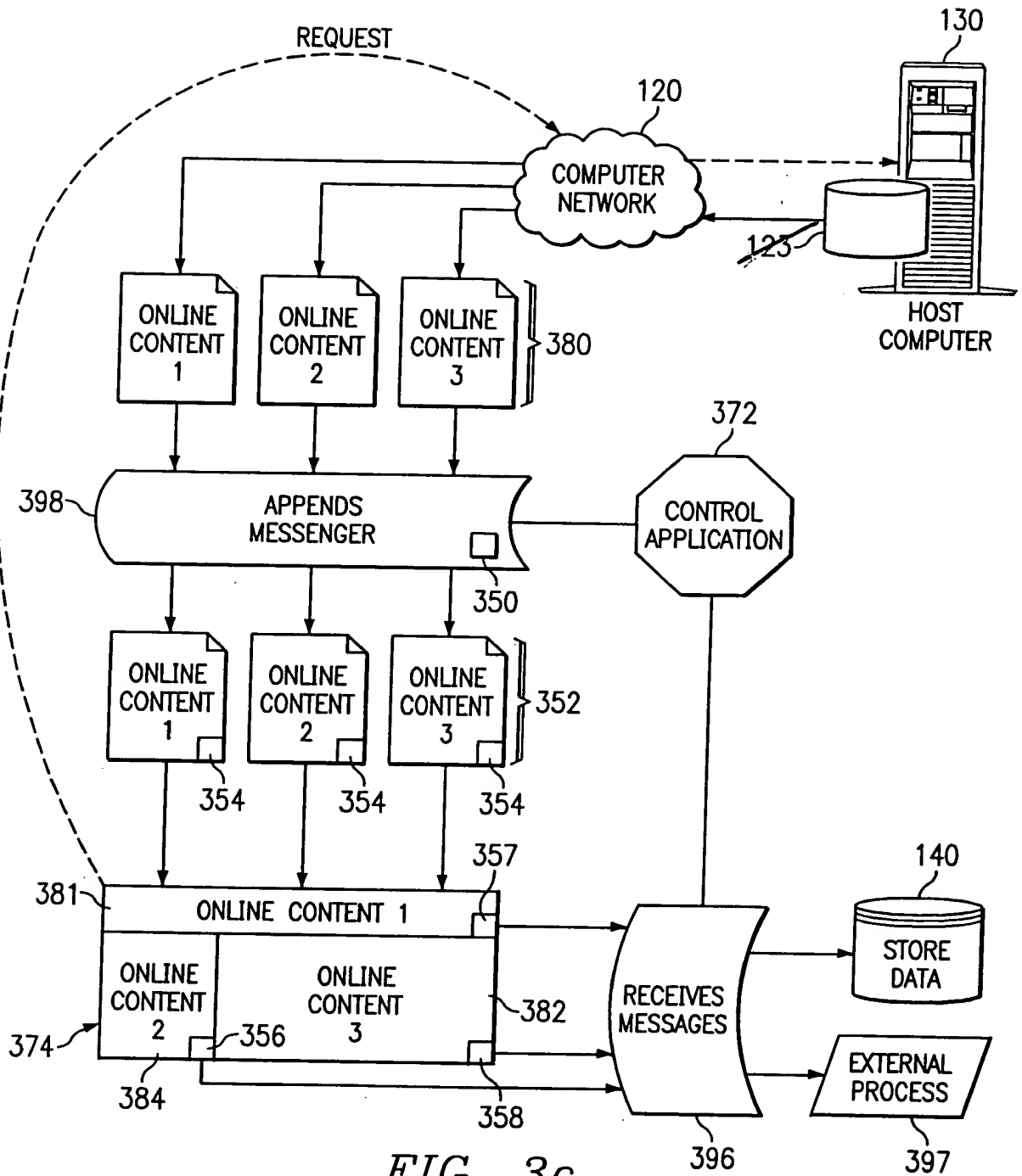


FIG. 3c

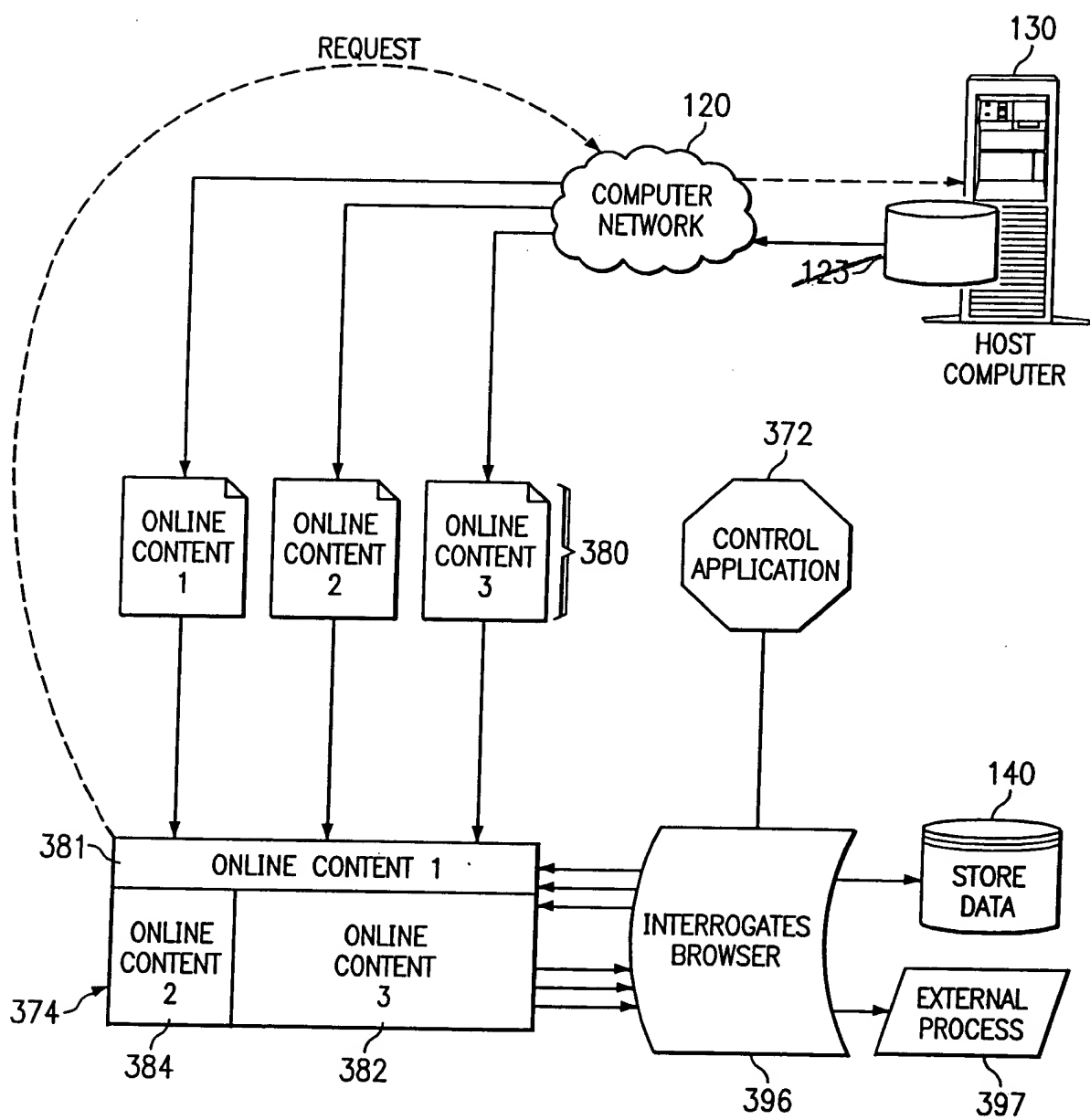


FIG. 3d